

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 11450 PERMIT 6726 LICENSE 4542

ORDER RESCINDING ORDER OF DECEMBER 28, 1990


WHEREAS:

- 1) License 4542 was issued to Fay O. Hall and Estate of Wayne E. Hall on February 11, 1957, pursuant to Application 11450 and was filed with the Sutter County Recorder on February 14, 1957.
- 2) License 4542 was subsequently assigned to Hulbert and Tarke Farms, A California General Partnership.
- 3) On November 1, 1989, a petition to add a point of diversion was filed with the State Water Resources Control Board (State Board).
- 4) On December 28, 1990, the State Board issued an order pursuant to License 4542 approving an additional point of diversion. The order included Standard Term 63. The State Board's continuing authority condition was updated to reflect the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).
- 5) On January 7, 1991, the December 28, 1990 order was recorded by the Sutter County Recorder in Book 1392, Page 21. The Sutter County Recorder should be notified of any rescinding action.
- 6) On January 11, 1991, licensee's agent requested that the December 28, 1990 State Board order be rescinded and the additional point of diversion not be authorized.

NOW, THEREFORE, IT IS ORDERED THAT:

- 1) The State Water Resources Control Board hereby rescinds the December 28, 1990 order issued pursuant to License 4542.
- 2) The Sutter County Recorder shall be notified of the rescinding action.

Dated: APRIL 03 1991


✓ Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 11450 PERMIT 6726 LICENSE 4542

ORDER ALLOWING AN ADDITIONAL POINT OF DIVERSION
AND AMENDING THE LICENSE

WHEREAS:

1. License 4542 was issued to Fay O. Hall and Estate of Wayne E. Hall and was filed with the County Recorder of Sutter County on February 14, 1957.
2. License 4542 was subsequently assigned to Hulbert and Tarke Farms, A California General Partnership.
3. A petition to add point of diversion, has been filed with the State Water Resources Control Board and said Board had determined that good cause for such change has been shown.
4. The Department of Fish and Game has requested that the points of diversion be equipped with fish screens. Therefore, Standard Term 63 will be added to the license.
5. The Board determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. The license condition pertaining to the continuing authority of the Board should be updated to conform to Standard Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The condition of this license regarding point of diversion is amended to read as follows:
 - (1) North 361.4 feet and West 1,297.0 feet from W $\frac{1}{4}$ corner of Section 12, T15N, R1W, MDB&M, being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 11. Also described by California Coordinate System, Zone 2, N 546,300 and E 2,018,700.
 - (2) North 70°50' West 950 feet from SE corner of Lot 3 of SE $\frac{1}{4}$ of Section 11, T15N, R1W, MDB&M, being within Lot 3, of SE $\frac{1}{4}$ of said Section 11.
2. A condition be added to this license to read as follows:

In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this license until licensee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of licensee.

(0000063)

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3. The continuing authority of this license shall be amended to read:

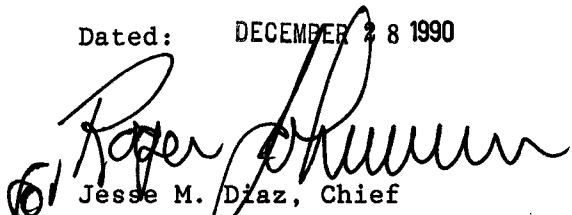
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: DECEMBER 28 1990


Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 11450

PERMIT 6726

LICENSE 4542

THIS IS TO CERTIFY, That **Fay O. Hall and Estate of Wayne E. Hall**
Meridian, California

have made proof as of **June 1, 1955,**
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Sacramento River in Sutter County

tributary to **Suisun Bay**

for the purpose of **irrigation use**

under Permit **6726** of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from **June 27, 1946;** and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **eight (8) cubic feet per second** to be diverted from about April 1 to about October 1 of each year.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

Issuance of this license shall not operate to the prejudice of any prior rights, including rights acquired by the United States for the Central Valley Project involving flows, whether or not released from storage which though not presently applied to beneficial use may hereafter be applied thereto pursuant to such prior rights.

The point of diversion of such water is located north three hundred sixty-one and four tenths (361.4) feet and west one thousand two hundred ninety-seven (1,297) feet from West $\frac{1}{4}$ corner of Section 12, T 15 N, R 1 W, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11, T 15 N, R 1 W, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

80 acres within SW $\frac{1}{4}$ of Section 1, T 15 N, R 1 W, MDB&M.
73 acres within NE $\frac{1}{4}$ of Section 11, T 15 N, R 1 W, MDB&M.
148 acres within NW $\frac{1}{4}$ of Section 12, T 15 N, R 1 W, MDB&M.
40 acres within NE $\frac{1}{4}$ of Section 12, T 15 N, R 1 W, MDB&M.
341 acres total as shown on map on file with State Water Rights Board.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

COVERED BY LICENSE ORDER NO. 11

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

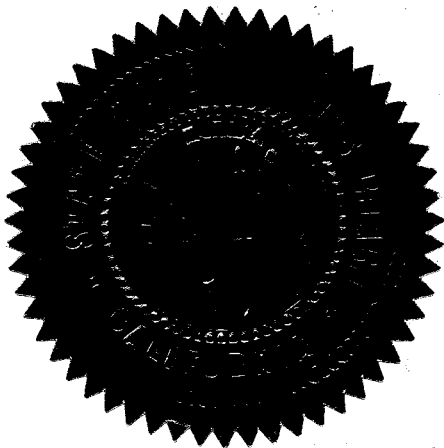
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: FEB 11 1957

STATE WATER RIGHTS BOARD

By Leslie C. Jopson
Leslie C. Jopson
Chief Engineer



10/15/58 RECEIVED NOTICE OF ASSIGNMENT TO of int of of
Esh. of Wayne E. Hall to Fay O. Hall Rhodes

11-9-64 RECEIVED NOTICE OF ASSIGNMENT TO Fred + Robyn
Tomlinson

6-20-84 Int of Fred Tomlinson asgd to Robyn Tomlinson
5/18/89 asgd to: Hubert & Jarke Farms, a California general partnership

LICENSE 4542

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

Fay O. Hall and
ISSUED TO Estate of Wayne E. Hall

DATED FEB 11 1957